

Docket No. 25-4249

**In the United States Court of Appeals
For the Ninth Circuit**

NEETA THAKUR, et al.

Plaintiffs and Appellees,

vs.

DONALD J. TRUMP, et al.

Defendants and Appellants.

Appeal from United States District Court
Central District of California
Hon. Rita F. Lin
U.S. District Court Case No. 3:25-cv-04737-RL

Plaintiffs-Appellees' Motion to Extend Briefing Deadline

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Defendants-Appellants’ (“Appellants”) Opening Brief appealing the District Court’s Preliminary Injunction presents arguments virtually identical to those presented to this Court in their Motion for Partial Stay Pending Appeal (“Stay Motion”). Plaintiffs-Appellees (“Appellees”) respectfully suggest that it would be in the best interests of the Parties, and of judicial efficiency, for Appellees to file their Answering Brief, and Appellants to file their optional Reply Brief, if they choose to do so, after the Court rules on those arguments in the Stay Motion. Each side would then have a full opportunity to discuss, in light of this Court’s decision and order, the factual and legal issues presented in this appeal. Otherwise, both Parties will likely request the ability to file supplemental briefing following the Court’s stay decision, which would be unnecessary and wasteful for all involved.

Appellees thus request, pursuant to Ninth Circuit Rule 31-2.2(b), that the Court extend the deadline for Appellees to file their Answering Brief until up to thirty calendar days after the date the Court issues its Order on the Stay Motion.¹ Consistent with the previously issued scheduling order (*See* Dkt. No. 2.1), Appellants’ deadline to file their optional Reply Brief supporting the Appeal should remain twenty-one days after Appellees serve their Answering Brief.

¹ Because Appellants have filed a Preliminary Injunction Appeal, the Streamlined Extension of Time provided under Ninth Circuit Rule 31-2.2(a) is not available. *See* 9th Cir. R. 31-2.2(a)(3).

Counsel for Appellees contacted counsel for Appellants, who stated they oppose Appellees' motion because they contend they are "irreparably harmed every day the injunction remains in effect" and therefore "oppose any delay in resolving this appeal." Decl. of Kyle A. McLorg ¶ 6. Appellees share Appellants' desire for a speedy resolution. But Appellees respectfully submit that filing of the remaining briefs after this Court rules on the pending Stay Motion will entail little delay and be of great benefit to the Court and the Parties. In fact, the requested extension could ultimately shorten the time for final resolution of the appeal, as it would obviate the potential need for supplemental briefing following the Court's decision on the Stay Motion.

Dated: August 14, 2025

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DECLARATION OF KYLE A. McLORG

I, Kyle A. McLorg, declare as follows:

1. I am a member in good standing of the State Bar of California and the bar of this Court. I am an associate at Farella Braun + Martel LLP, attorneys for Plaintiffs-Appellees (“Appellees”) in this action. I submit this Declaration in support of Appellees’ Motion to Extend Briefing Deadline for Appellees’ brief responding to Defendants-Appellants’ (“Appellants”) appeal of the District Court’s Preliminary Injunction. I have personal knowledge of the facts set forth in this Declaration, and could testify competently to them if called upon to do so.

2. The Court’s scheduling order (Dkt. 2.1) originally set Appellees’ deadline to submit their Answering Brief as September 4, 2025. There have been no previous extensions of this deadline, and therefore the deadline remains September 4, 2025.

3. Appellees request that this deadline be extended until up to 30 days after the Court issues its order on Appellants’ pending Motion to Stay the District Court’s Preliminary Injunction. Consistent with the previously issued scheduling order, Appellants’ deadline to file their optional Reply Brief would be 21 days after Appellees serve their Answering Brief.

4. This extension is necessary because it serves the best interests of the Parties, and of judicial efficiency. Appellants’ Opening Brief and their Motion for

Stay present virtually identical arguments. The extension would therefore provide both Parties the full opportunity to discuss, in light of the Court’s decision and order on the Stay Motion, the factual and legal issues presented in this appeal.

5. Appellees have exercised diligence, and their Answering Brief will be filed within the time requested.

6. Counsel for Appellees contacted counsel for Appellants to inform them that they intended to seek this extension and asked if Appellants objected. Counsel for Appellants responded that they object to Appellees’ Motion on the basis that they “are irreparably harmed every day the injunction remains in effect[,]” and “oppose any delay in resolving this appeal.”

7. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this 14th day of August, 2025, in San Francisco.

By: /s/ Kyle A. McLorg
Kyle A. McLorg